

18 August 1967 (mas)

A BILL

To amend the Central Intelligence Agency Retirement Act of 1964
for Certain Employees, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SEC. 1. The Central Intelligence Agency Retirement

*Same as
S 202, HRT 315
and HR 16306*

4 Act of 1964 for Certain Employees (78 Stat. 1043; 50
5 U.S.C. 403 note) is amended by striking subsection 204

6 (b) (3) and inserting the following in lieu thereof:

7 "(3) 'Child', for the purposes of sections 221 and 232
8 of this Act, means an unmarried child, including (i) an
9 adopted child, and (ii) a stepchild or recognized natural
10 child who lived with the participant in a regular parent-
11 child relationship, under the age of eighteen years, or such
12 unmarried child regardless of age who because of physical
13 or mental disability incurred before age eighteen is incapable
14 of self-support, or such unmarried child between eighteen

1 and twenty-two years of age who is a student regularly pur-
2 suing a full-time course of study or training in residence in
3 a high school, trade school, technical or vocational institute,
4 junior college, college, university, or comparable recognized
5 educational institution. A child whose twenty-second birth-
6 day occurs prior to July 1 or after August 31 of any calendar
7 year, and while he is regularly pursuing such a course of study
8 or training, shall be deemed for the purposes of this paragraph
9 and section 221 (e) of this Act to have attained the age of
10 twenty-two on the first day of July following such birthday.
11 A child who is a student shall not be deemed to have ceased
12 to be a student during any interim between school years if
13 the interim does not exceed five months and if he shows to
14 the satisfaction of the Director that he has a bona fide inten-
15 tion of continuing to pursue a course of study or training
16 in the same or different school during the school semester
17 (or other period into which the school year is divided)
18 immediately following the interim. The term 'child', for the
19 purposes of section 241, shall include an adopted child and
20 a natural child, but shall not include a stepchild."

new

1 SEC. 2. Section 221 (a) of the Central Intelligence
2 Agency Retirement Act (50 U.S.C. 403 note) is amended
3 by striking out "thirty-five" and substituting "forty".

4 SEC. 3. Section 221 (b) of the Central Intelligence

*same as
§ 205, ibid*

5 Agency Retirement Act (50 U.S.C. 403 note) is amended
6 by deleting the words "or remarriage" from the first sen-
7 tence, and section 232 (b) is amended by deleting the words
8 "or remarriage" from the second sentence.

9 SEC. 4. Section 221 (e) of the Central Intelligence

*same as
§ 204, ibid*

10 Agency Retirement Act (50 U.S.C. 403 note) is amended
11 to read as follows:

12 " (e) The commencing date of an annuity payable to a
13 child under paragraph (c) or (d) of this section, or (c) or
14 (d) of section 232, shall be deemed to be the day after the
15 annuitant or participant dies, with payment beginning on
16 that day or beginning or resuming on the first day of the
17 month in which the child later becomes or again becomes a
18 student as described in section 204 (b) (3), provided the
19 lump-sum credit, if paid, is returned to the fund. Such
20 annuity shall terminate on the last day of the month before

1 (1) the child's attaining age eighteen unless he is then a
2 student as described or incapable of self-support, (2) his be-
3 coming capable of self-support after attaining age eighteen
4 unless he is then such a student, (3) his attaining age
5 twenty-two if he is then such a student and not incapable of
6 self-support, (4) his ceasing to be such a student after at-
7 taining age eighteen unless he is then incapable of self-
8 support, (5) his marriage, or (6) his death, whichever
9 first occurs."

10 SEC. 5. Section 221 of the Central Intelligence

*Same as
§ 205, bid*

11 Agency Retirement Act (50 U.S.C. 403 note) is amended
12 by deleting the last two sentences of subsection (f), and
13 adding the following new paragraphs (g) and (h) :
14 " (g) Except as otherwise provided, the annuity of a
15 participant shall commence on the day after separation from
16 the service, or on the day after salary ceases and the partici-
17 pant meets the service and the age or disability requirements
18 for title thereto. The annuity of a participant under section
19 234 shall commence on the day after the occurrence of the
20 event on which payment thereof is based. An annuity other-

1 wise payable from the fund allowed on or after date of enact-
2 ment of this provision shall commence on the day after the
3 occurrence of the event on which payment thereof is based.

4 " (h) An annuity payable from the fund on or after date
5 of enactment of this provision shall terminate (1) in the case
6 of a retired participant, on the day death or any other ter-
7 minating event occurs, or (2) in the case of a survivor, on
8 the last day of the month before death or any other terminating
9 event occurs."

10 SEC. 6. Section 252 of the Central Intelligence

*Same as
§ 206, ibid*

11 Agency Retirement Act (50 U.S.C. 403 note) is amended
12 by deleting subsection (c) (1); renumbering subsections
13 (c) (2) and (c) (3) to read (c) (3) and (c) (4); and in-
14 serting the following new subsections (c) (1) and (c) (2) :

15 " (c) (1) If an officer or employee under some other
16 Government retirement system becomes a participant in the
17 system by direct transfer, the Government's contributions
18 under such retirement system on behalf of the officer or
19 employee shall be transferred to the fund and such officer or
20 employee's total contributions and deposits, including inter-
21 est accrued thereon, except voluntary contributions, shall be

1 transferred to his credit in the fund effective as of the date
2 such officer or employee becomes a participant in the system.
3 Each such officer or employee shall be deemed to consent to
4 the transfer of such funds and such transfer shall be a com-
5 plete discharge and acquittance of all claims and demands
6 against the other Government retirement fund on account of
7 service rendered prior to becoming a participant in the
8 system.

9 (c) (2) If a participant in the system becomes an
10 employee under another Government retirement system by
11 direct transfer to employment covered by such system, the
12 Government's contributions to the fund on his behalf may be
13 transferred to the fund of the other system and his total con-
14 tributions and deposits, including interest accrued thereon,
15 except voluntary contributions, may be transferred to his
16 credit in the fund of such other retirement system at the
17 request of the officer or employee effective as of the date he
18 becomes eligible to participate in such other retirement sys-
19 tem. Each such officer or employee in requesting such
20 transfer shall be deemed to consent to the transfer of such

1 funds and such transfer shall be a complete discharge and
2 acquittance of all claims and demands against the fund on
3 account of service rendered prior to his becoming eligible for
4 participation in such other system."

5 SEC. 7. Section 273 of the Central Intelligence Agency

*same as
§ 207, ibid.*

6 Retirement Act (50 U.S.C. 403 note) is amended by delet-
7 ing subsection (a) ; renumbering subsection (b) to read (c) ;
8 and inserting the following new subsections (a) and (b) :

" (a) Notwithstanding any other provision of law, any
annitant who has retired under this Act and who is reem-
ployed in the Federal Government service in any appointive
12 position either on a part-time or full-time basis shall be
13 entitled to receive the salary of the position in which he is
14 serving plus so much of his annuity payable under this Act
15 which when combined with such salary does not exceed
16 during any calendar year the basic salary such officer or
17 employee was entitled to receive on the date of his retire-
18 ment from the Agency. Any such reemployed officer or
19 employee who receives salary during any calendar year in
20 excess of the maximum amount which he may be entitled

1 to receive under this paragraph shall be entitled to such
2 salary in lieu of benefits hereunder.

3 " (b) When any such annuitant is reemployed, he shall
4 notify the Director of Central Intelligence of such reem-
5 ployment and shall provide all pertinent information relating
6 thereto."

7 SEC. 8. Section 291 of the Central Intelligence Agency

8 Retirement Act (50 U.S.C. 403 note) is amended to read as
9 follows:

10 "SEC. 291. (a) On the basis of determinations made by
11 the Director pertaining to per centum change in the price index,
12 the following adjustments shall be made:

13 " (1) Each annuity payable from the fund on January 1,
14 1967, shall be increased on that date by (a) 12.4 per centum
15 for annuities which commence on or before January 1, 1966,
16 or (b) 4.9 per centum for annuities which commence on or
17 between January 2, 1966, and January 1, 1967.

18
19
20

1 " (2) Each month beginning with November 1966 the

*1st sentence
changed -
2nd sentence
same*

2 Director shall determine the per centum change in the price
3 index. Effective the first day of the third month which begins

4 after the price index shall have equaled a rise of at least
5 3 per centum for three consecutive months over the price
6 index for the base month, each annuity payable from the
7 fund which has a commencing date not later than such effec-
8 tive date shall be increased by the per centum rise in the
9 price index (calculated on the highest level of the price
10 index during the three consecutive months) adjusted to the
11 nearest one-tenth of 1 per centum.

12 " (b) Eligibility for an annuity increase under this

same

13 section shall be governed by the commencing date of each
14 annuity payable from the fund as of the effective date of an
15 increase, except as follows:

16 "(1) Effective from its commencing date, an annuity

*1st bracket
changed
2nd bracket
new*

17 payable from the fund to an annuitant's survivor (other than
18 a child entitled under section 221 (c)), which annuity
19 commences the day after annuitant's death and after January
20 1, 1967 shall be increased by the total per centum increase

10

1 the annuitant was receiving under this section at death;
 2 or if death occurred between January 1, 1967, and date of
 3 enactment, the per centum increase the annuitant would
 4 have received.]

5 " (2) Effective from its commencing date, an annuity
new
 6 payable from the fund to a child under section 221 (c), which
 7 annuity commences the day after annuitant's death and after
 8 January 1, 1967, shall be increased by (a) 2 per centum if
 9 the annuity from which it is derived commenced on or before
 10 January 1, 1966, or (b) 1 per centum if the annuity from
 11 which it is derived commenced on or between January 2,
 12 1966, and January 1, 1967.

13 " (3) For the purposes of computing an annuity which
same as
old (2) - 14 commences after January 1, 1967, to a child under section
1st bracket
changed 15 221 (c), the items \$600, \$720, \$1,800, and \$2,160 appearing
2nd bracket
added (new) 16 in section 221 (c) shall be increased by 10.2 per centum plus
3rd bracket
changed 17 the total per centum increase allowed and in force under
4th bracket
added (new) 18 section 291 (a) (2) for employee annuities, and, in case of *the omitted*
 19 a deceased annuitant, the items 40 per centum and 50 per
 20 centum appearing in section 221 (c) shall be increased

1 by the total per centum increase allowed and in force
2 under this section to the annuitant at death; or if death
3 occurred between January 1, 1967, and date of enactment,
4 the per centum increase the annuitant would have received.

5 " (c) Any annuity increased under this section shall
new subsection
and content 6 be decreased by the amount of increase in force and effect
7 with respect to that annuity under section 291 prior to the
8 date of enactment of this Act.

9 " (d) The term 'price index' shall mean the Consumer
old "(c)"
brackets
added (new) 10 Price Index (all items--United States city average) published
11 monthly by the Bureau of Labor Statistics. The term 'base
12 month' shall mean the month of October 1966 for the first
13 increase under section 291 (a) (2) and thereafter the month for
14 for which the price index showed a per centum rise forming
15 the basis for a cost-of-living annuity increase.

16 " (e) No increase in annuity provided by this section
old "(d)" 17 shall be computed on any additional annuity purchased at
18 retirement by voluntary contributions.

19 " (f) The monthly installment of annuity after adjust-
old "(c)"
word change -
same
meaning. 20 ment under this section shall be fixed at the nearest dollar,
21 except that such installment shall after adjustment reflect
22 an increase of at least one dollar."

1 SEC. 9. Section 5 of the Central Intelligence

*Same as
§109, ibid.*

2 Agency Act (50 U.S.C. 403f) is amended by adding the
3 following new paragraph:

4 "(f) Appoint advisory committees and employ, not-
5 withstanding any other provisions of law, part-time advisory
6 personnel necessary to carry out the functions of the Agency.
7 Persons holding other offices or positions under the United
8 States for which they receive compensation, while serving
9 as members of such committees, shall receive no additional
10 compensation for such service. Other members of such
11 committees and part-time advisory personnel so employed
12 may serve without compensation or may receive compensa-
13 tion at rates determined by the Director, not to exceed \$100
14 per day, for the assignment or position."

15 SEC. 10. Section 5541 (2) of title 5, United States

*Same as
§301, ibid.*

*Word changes
due to codifi-
cation of Title 5
in the interim,
but same
meaning.*

16 Code, is amended by (1) striking out "or" at the end of
17 paragraph (xii) ; (2) deleting the period at the end of
18 paragraph (xiii) and inserting "; or"; and (3) adding the
19 following new paragraph: "(xiv) an officer or employee
20 of the Central Intelligence Agency."